David W. Stoecker

Petitioner

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 89-429-A

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a building lot width of 50 feet in lieu of the required minimum of 55 feet, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 13111 Patuxent Road, consists of 10,000 sq.ft. zoned D.R. 5.5, and is located within the Chesapeake Bay Critical Areas. Testimony indicated that the property, also known as Lot 177, is an unimproved lot located within the Oliver Beach development which was laid out in 1948 with 50-foot wide lots. Mr. Stoecker testified he purchased the property in November 1988 to build a home. Testimony indicated there are no adjoining vacant properties from which the Petitioner can obtain the additional land necessary to meet the required width. Mr. Stoecker testified that the proposed dwelling will strictly comply with all front, side and rear yard setback requirements of the zoning regulations. He further testified that in his opinion the granting of the variance would not adversely affect the health, safety or general welfare of the community.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of

the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesa sake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Ealtimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intenc of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must

take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimiz. adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the _alief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of May, 1989 that the Petition for Zoning Variance to permit a buildable lot width of 50 feet in lieu of the required minimum of 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the

> > - 3**-**

Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) All building satback lines from the side and rear shall be in strict compliance with the zoning regulations. Petitioner nor any subsequent property owner is prohibited from requesting any future variances for the subject property; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated March 14, 1989, attached hereto and made a part hereof.

AMN: bjs

1_ MN costania ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

#255

Baltimore County Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

Mr. David W. Stoecker 7250 Gassinger Road Baltimore, Maryland 21220

SE/S Patuxent Road, 475'+/- W of Oliver (13111 Patuxent Road)

15th Election District - 5th Councilmanic District David W. Stoecker - Petitioner Case No. 89-429-A

Dear Mr. Stoecker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> Very truly yours, ANN M. NASTAROWICZ 🐪 Deputy Zoning Commissioner for Baltimore County

Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4 Annapolis, Maryland 21404

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE Case: 89.429-A

TO: Mr. J. Robert Haines Zoning Commissioner

FROM: Mr. Robert W. Sheesley

The subject property is located along Patuxent Road, Lot #177 of the Oliver Beach Subdivision. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant has requested a Zoning Variance from Section 1B32.3.C.1 "to allow a buildable lot with a width of 50 feet in 'ieu of the required minimum 55 feet".

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve tish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

<COMAR 14.15.10.01.0>

The proposed development will comply with Critical Area Law provided that the zoning petition is conditioned with the following

> One major deciduous tree or two conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 1,000 square feet of tree cover is provided. A major deciduous tree is estimated to

A CHARLES OF LAND OF L

Dry Well Designs. (Figure 5.8). Dry wells are a basic trench variation which are designed exclusively to accept rooftop runoff from residential or commercial buildings (Figure 5.8). Additional guidance on dry well design is available from Md WRA (1984). Basically, the leader from the roof is extended into an underground trench, which is situated a minimum of ten feet away from the building foundation. Rooftop gutter screens are needed to trap any particles, leaves and other debris, and must be regularly cleared.

Figure 5.8: Dry Well Design (adapted from Md WRA, 1985)

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PETITION FOR ZOI TO THE ZONING COMMISSIONER OF BALTIMOR	E COUNTY: $89-42$	
The undersigned, legal owner(s) of the proper described in the description and plat attached here	erty situate in Baltimore County and who to and made a part hereof, hereby petition	
Variance from Section 1802.3.C.1 To al	low a build ble lot with a	
witth of 50 feet in lieu of the requir	red minimum -55 feet	
of the Zoning Regulations of Baltimore County, to following reasons: (indicate hardship or practical of		
Fifty five foot zoning regular	tion makes use of property in	area were
Zoning change to fifty five	foot made after property	
subdivided at fifty foot.		
Other building codes and zo		tained
with zoning grant. Property is to be posted and advertised as	prescribed by Zoming Regulations.	
I, or we, agree to pay expenses of above Vari petition, and further agree to and are to be bound Baltimore County adopted pursuant to the Zoning	ance advertising, posting, etc., upon filing I by the zoning regulations and restricti Law For Baltimore County.	
	I/We do solemnly declare and under the penalties of perjury, the are the legal owner(s) of the pe which is the subject of this Petition	roperty
Contract Purchaser:	Legal Owner(s): David W. Stoecke	ma 115 711 EB
(Type or Print Name)	(Type or Print Name) Dound W Storcher	E. O. 15
Signature	Signature	200 1-20-70
Address	(Type or Print Name)	1000 BE
City and State	Signature	N 27,540
Attorney for Petitioner: (Type or Print Name)	7250 Gassinger Rd. 335-8 Address Phon	132 e No.
(1)pe or 1 tous 1 tous 1		
Signature	City and State Name, address and phone number of legal ov	vner. con-
Address	tract purchaser or representative to be con	tacted
City and State	Name David W. Stoecke	
Attorney's Telephone No.:	Vontese	132 ne No.
ORDERED By The Zoning Commissioner of	Baltimore County, this	day rtised. as
of	y, in two newspapers of general cheditation	ie Zoning
County, on the day of .		o'elock

SUBJECT: Petition for Zoning Variance - Item #255 Stoecker Property - Lot #177 Patuxent Road

ZONING DESCRIPTION

From Eastern Ave Ext. turn right to Oliver Beach Road continue for two tenths of mile turn left to Patuxent Road. From center line of Oliver Beach Road at the distance of 475 feet north. Being Lot 177, Liber 5742 Folio 164 Oliver Beach. Also known as 13111 Patuxent Road in the 15th election district.

CERTIF'CATE OF PUBLICATION

TOWSON, MD., april 6 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on april 6 , 1989.

THE JEFFERSONIAN,

5. Zehe Orlan

60 R133 ca 89-429-1 price 37.43

February 2, 1989

NOTICE OF HEARING The Zening Commissioner of Balti-are County, by authority of the Zen-ing Act and Regulations of Baltimero County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chemper be Avenue in Toware Mayriand on the Bussey. Toweon, Maryland as follows:
Potition for Zoning Variance
CASE NUMBER: 68-62-A

SES Paturant Road, 478' +/-e/1 Oliver Beach Road

12111 Paturant Road

15th Election District — Sth Council Patitioner(s): David W. Stoecher HEARING SCHEDULED: WEDNESDAY, MAY 2, 1900 et 2:00 p.m.
Variance to allow a buildable lot with a width of 50 feet in lieu of the rewith a width of 50 feet in lieu of the required minimum 55 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good course shown. Such request must be in writing and received in this office by the

iate of the hearing set above or pre-

He Times

Middle River, Md., _______ 6_ 19 89

This is to Certify, That the annexed

Rug M 27/23 was inserted in Qe Times, a newspaper printed and published in Baltimore County, once in each

CERTIFICATE OF POSTING

ZOMING DEPARTMENT OF BALTIMORE COUNTY

Petitioner: David W. STOCK-V

Location of property: SE/S Pat 4xxxt Rd, 475" NE/Chlorianh Rd

13/1/ Polyxxxt Rd,

Location of Signer Focing Poluxont Rd., appress 15 Fr. 200 dway,

Posted by Miskales Date of return: 4/21/89

89-429-#

Raltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204

Mr. Devid W. Stoecker 7250 Gessinger Road Baltimore, Maryland 21220

Res Petition for Zoning Variance CASE NUMBER: 89-429-A SES Patument Road, 475's c/l Dliver Beach Road 13111 Paturent Road 15th Election District - 5th Councilmenic

Petitioner(s): Devid W. Stoecker HEARING SCHEDULED: MEDNESDAY, MY.Y 3, 1989 at 2:00 p.m.

Please be advised that <u>76.06</u> is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building Poor Ul. To the South State of the County Office of the South State of the South State

BALTIMORE COUNTY, MARYLAND No. 057637 OFFICE OF FINANCE - REVENUE DIVISION d post set(s), there MISCELLANEOUS CASH RECEIPT r each set not DATE 5-3-89 ACCOUNT 2-01-015 -000 AMOUNT \$ 76.06 RECEIVED D. W -torte

FOR Patrick & Advantaging (87-427-A) B B125******7606:a _03.F VALIDATION OR SIGNATURE OF CASHIER

NOTICE OF HEARING

Baltimore County

194-3353

J. Robert Haines

Zoning Commissioner Office of Planning & Zoning

Towson, Maryland 21204



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

March 17, 1989

Petition for Zoning Variance CASE NUMBER: 89-429-A SES Patuxent Road, 475't c/l Cliver Beach Road 13111 Patuxent Road 15th Election District - 5th Councilmanic Petitioner(s): David W. Stoecker HEARING SCHEDULED: WEDNESDAY, MAY 3, 1989 at 2:00 p.m.

Variance to allow a buildable lot with a width of 50 feet in lieu of the required minimum

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause snown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. I. Polit Springs

J. ROBERT HAINES Zoning Commissioner of Baltimore County

> David W. Stoecker Chesapeake Bay Critical Area Commission

#255

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

J. Robert Haines Zoning Commissioner

NOTICE OF HEARING

The Zoning Cummissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Averue in Towson, Maryland 21204 on follows:

Petition for Zoning Varian Case number: 89-429-A SES Patusent Road, 475 +1- ch Oliver Beach Road 13111 Patusent Road 15th Election District

5th Councilmanic Petitioner(s): David W. Stoecker

variance: to allow a builds tot with a width of 50 test in

of the required miniumum 55 fe In the event that this Petition

oranted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the is-

suance of said permit during this period for good cause shown. Such request must be in writing

and received in this office by the date of the hearing set above or

4/017 April 6.

J. ROBERT HAINES

Hearing Date: Wednesda May 3, 1989 at 2:00 p.n.

Ann Nastarowicz Deputy Zoning Commissioner

John J. Sullivan, Jr. Planning & Zoning Associate III SUBJECT: Variance Petition, Item #255 Lot #177, Patuxent Road

Mr. Stoecker came to the office on December 14, 1988 for a petition filing appointment. At that time, I informed Mr. Stoecker that I would accept his petition for a variance for minimum lot width of Lot #177, but that this petition would proceed no further until the owner(s) of Lot #178 also filed a petition for a deficient lot width plus a deficient side yard setback. Mr. Stoecker said he understood and that he would have the owner(s) of Lot #178 file a petition.

Today, Mr. Stoecker phoned and stated that the owners of Lot #178 are not going to file any variance petitions as their house has existed for many years. I again reiterated on the zoning problems on Lot #178 and informed Mr. Stoecker that per the Zoning Commissioner, Mr. Stoecker's petition would be heard but that no order (decision) will be rendered until there is a petition filed for Lot #178.

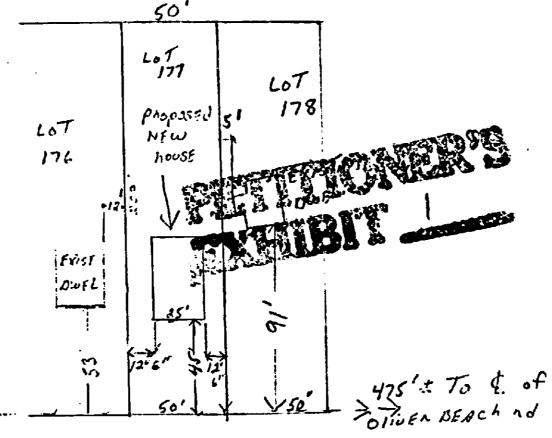
Project: Ca. #89-429-A

The Chesapeake Bay Critical Area Commission has received the above-referenced project. The staff will review the project, and you will be notified when the review has been completed.

Project Evaluation Division 974-2426

OlIVER BEAch SUBJECT PROPERTY

Number of Signet _



PATUXENT ROAD

Tot for Zonins Vaniance WER - DAVID W. STOECKER STRICT-15 OliVER BEACH

,22 AC1 ES

177 11612 5742 DINS UTILITIES IN PATURENT HORE

JCALE: 1'=50' Zoning: DR-55

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

March 1, 1989

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dennis F. Rasmussen

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 255, 318, 322, 324, 325, 326, 327, 328, & 329.

Very truly yours,

Traffic Engineer Assoc. II

89-429-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 15th day of March , 1989.

Foliat Haines

No ROBERT HAINES

ZONING COMMISSIONER

Petitioner David M. Stoocker Petitioner's Attorney

Received by: Jame E. Dorr Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1989

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Mr. David W. Stoecker 7250 Gassinger Road Baltimore, MD 21220

RE: Item No. 255, Case No. 89-429-A Petitioner: David W. Stoecker Petition for Zoning Variance MEMBERS

Burrau of Department of Traffic Engineering

State Roads Commissio Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration

Industrial

Dear Mr. Stoecker: The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner

with recommendations as to the suitability of the requested

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT

Very truly yours,

Chairman Zoning Plans Advisory Committee

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: David W. Stoecker

Location: SES Patuxent Road, 475' (+ or -) to centerline County Executive of Oliver Beach Road (#13111 Patuxent Road) Item No.: 255 Zoning Agenda: 02/14/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with . "X" are applicable and required to be corrected or incorporated into the fir I plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at

EXCEPDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Special Inspection Division

/jl

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines

DATE: May 3, 1989 .

Zoning Commissioner

FROM: Pat Keller, Deputy Director

Office of Planning and Zoning SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS ZONING OFFICE

Case No. 89-429-A

Item No. 255

Re: David W. Stoecker

The applicant is requesting consideration to establish lot sizes of 50 feet in width rather than 55 feet and variances to respective side yards where required. In reference to these requests, staff provides the following information:

- In instances such as these, staff's primary concerns are:
- 1. What is the impact on adjoining property?, and;
- 2. Are adequate front, side, and rear yard setbacks being
- provided on the site? and: 3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to building unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if any of the requests are granted, the following conditions be attached.

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusions of Law. " provided by the applicant.

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

Mr. David W. Stoecker 7250 Gassinger Road Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE
SE/S Patuxent Road, 4 - +/- W of Oliver Beach Road
(13111 Patuxent Road)
15th Election District - 5th Councilmanic District

15th Election District - 5th Councilmanic District - 5th C

Case No. 89-429-A
Dear Mr. Stoecker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted above-captioned matter.

in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours, ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

Chesapeake Bay Critical Areas Commission

Tawes State Office Building, D-4
Annapolis, Maryland 21404

Memo to Mr. J. Robert Haines March 14, 1989 Page 2

- 2. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- 3. Rooftop runoff shall be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

> Robert W. Sheesley, Director Department of Environmental Protection and Resource Management

RWS:DCF:tjg Attachment

cc: The Honorable Ronald B. Hickernell The Honorable Norman R. Lauenstein The Honorable Dale T. Volz